

City Council Introduction: **Monday**, April 14, 2003
Public Hearing: **Monday**, April 21, 2003, at **5:30 p.m.**

Bill No. 03R-97

FACTSHEET

TITLE: **WAIVER NO. 03003**, requested by Ridge Development Company and Southview, Inc., for a modification to the requirements of §26.27.010 of the Land Subdivision Ordinance, to allow a portion of Grainger Parkway to not be improved at this time. This is in association with the Pine Lake Heights South 7th Addition Final Plat, on property generally located northwest of the intersection of South 40th Street and Yankee Hill Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 04/02/03
Administrative Action: 04/02/03

RECOMMENDATION: Approval (5-0: Carlson, Larson, Schwinn, Steward and Taylor voting 'yes'; Duvall, Krieser, Newman and Bills-Strand absent).

STAFF RECOMMENDATION: Approval.

FINDINGS OF FACT:

1. These waiver request is in association with the Pine Lake Heights South 7th Addition Final Plat, which was approved by the Planning Commission on April 2, 2003.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3, concluding that adequate access to the subdivision is provided by the existing street network and an extension of South 37th Street to Yankee Hill Road. The adjacent outlots cannot be developed until they are re-subdivided, at which time Grainger Parkway will be improved in conjunction with the new plat per Title 26, Land Subdivision Ordinance.
3. On April 2, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On April 2, 2003, the Planning Commission agreed with the staff recommendation and voted 5-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 7, 2003

REVIEWED BY: _____

DATE: April 7, 2003

REFERENCE NUMBER: FS\CC\2003\WVR.03003

CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver #03003
Grainger Parkway (Pine Lake Heights South 7th Addition)

Date: March 24, 2003

SCHEDULED PLANNING COMMISSION MEETING: April 2, 2003

PROPOSAL: To waive Lincoln Municipal Code (LMC) Section 26.27.010 so a portion of Grainger Parkway associated with the final plat of Pine Lake Heights South 7th Addition does not have to be improved at this time.

CONCLUSION: Adequate access to the subdivision is provided by the existing street network and an extension of South 37th Street to Yankee Hill Road. The adjacent outlots cannot be developed until they are re-subdivided, at which time Grainger Parkway will be improved in conjunction with the new plat per Title 26 (Land Subdivision).

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: That portion of Grainger Parkway between the east lot line of Lot 13, Block 6, Pine Lake Heights South 7th Addition and the west right-of-way line South 40th Street.

LOCATION: Northwest of the intersection of South 40th Street and Yankee Hill Road.

OWNERS/

<u>APPLICANTS:</u>	John Brager and Thomas White Ridge Development Co. PO Box 22296 Lincoln, NE 68542	Gerald Schleich Southview, Inc. 3901 Normal Boulevard Lincoln, NE 68506
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CONTACT: DaNay Kalkowski
Seacrest and Kalkowski, P.C.
1111 Lincoln Mall
Lincoln, NE 68508
(402) 435-6000

EXISTING ZONING: B-2 Planned Neighborhood to the south, O-3 Office Park to the north.

EXISTING LAND USE: This site is undeveloped.

SURROUNDING LAND USE AND ZONING:

North	Residential	R-3
South	Agriculture	AG

East	Agriculture	AG
West	Residential	R-3

ASSOCIATED APPLICATIONS: Final Plat #02033 - Pine Lake Heights South 7th Addition.

HISTORY: PP#00029 - The preliminary plat for Pine Lake Heights South 4th was approved **April 5, 2002**.

CZ#3297 - Approved **April 5, 2002**, changed the zoning from R-4, B-2, and O-3 to R-3 for all land within the limits of the preliminary plat of Pine Lake Heights South 4th.

CZ#3298 - Approved **April 5, 2002**, changed the zoning from R-3 to R-4, B-2 and O-3 for those lands within the limits of the preliminary plat of Pine Lake Heights South 4th.

ANALYSIS:

1. LMC Section 26.27.010 requires all streets and alleys within and abutting a new subdivision to be paved with curbs and gutters.
2. During the staff review of the final plat of Pine Lake Heights South 7th Addition, it was noted that the extensions of South 37th Street to Yankee Hill Road and Grainger Parkway to South 40th Street were required to be included as improvements with the plat.
3. The required improvements (street paving, curb and gutter, street trees and street lights) in South 37th Street and Grainger Parkway cannot be waived by staff or Planning Commission, but are minimum improvements per LMC Chapter 26.27 and can only be waived by City Council.
4. The portion of Grainger Parkway the applicant is seeking to not improve is surrounded by outlets (Outlots F and G). Outlots cannot be developed under LMC, and must be re-platted prior to development.
5. Adequate access will be provided to the development by connections to the existing street network, and by the extension of South 37th Street to Yankee Hill Road.
6. The applicant states that it will require extensive grading on Outlots F and G to improve Grainger Parkway to South 40th Street, but that it is difficult to prepare grading plans for the outlots as there are no specific development plans.
7. Public Works has stated that final plans for improving South 40th Street have not been approved. Without those plans it is difficult to design the intersection of Grainger Parkway and South 40th Street.
8. Outlots F and G cannot be developed at this time, and as a result the need to improve Grainger Parkway to South 40th Street is diminished. Per LMC Title 26, the improvements in Grainger Parkway can be required in conjunction with the final plat(s) to prepare Outlots F and G for development.

CONDITIONS:

1. Improvements for that portion of Grainger Parkway between the east lot line of Lot 13, Block 6, Pine Lake Heights South 7th Addition and the west right-of-way line South 40th Street are waived with the final plat of Pine Lake Heights South 7th Addition, but will be required in conjunction with any future final plat involving either or both Outlots F and G per LMC Title 26 (Land Subdivision).

Prepared by:

Brian Will, AICP
Planner

WAIVER NO. 03003

CONSENT AGENDA

PUBLIC HEARING AND ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

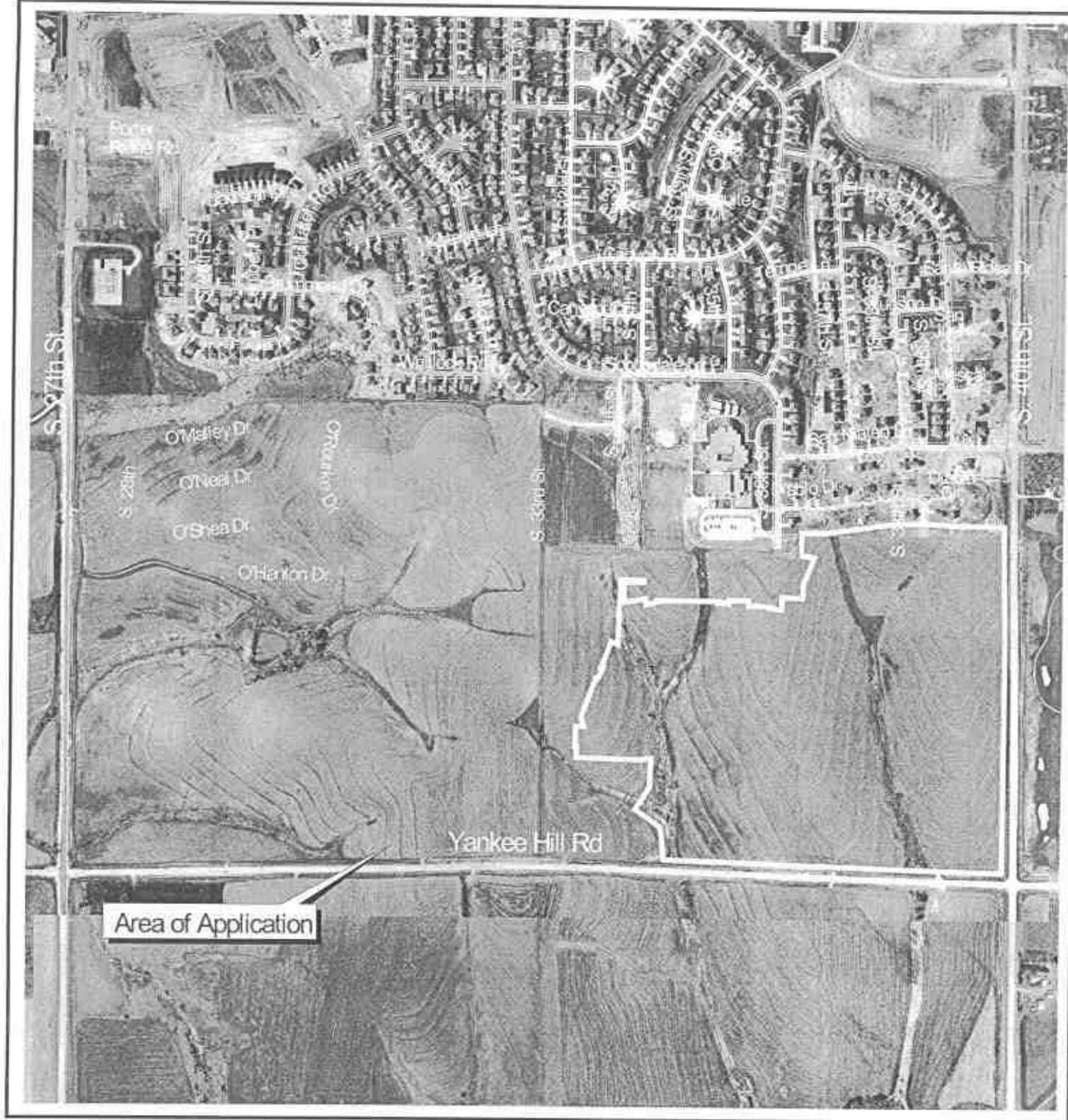
April 2, 2003

Members present: Steward, Carlson, Larson, Taylor and Schwinn; Krieser, Newman, Bills-Strand and Duvall absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3392 and PRELIMINARY PLAT NO. 02028, ASPEN RIDGE 1ST ADDITION; FINAL PLAT NO. 02002, ROLLING MEADOWS 1ST ADDITION; FINAL PLAT NO. 02015, WILDERNESS RIDGE 5TH ADDITION; FINAL PLAT NO. 02033, PINE LAKE HEIGHTS SOUTH 7TH ADDITION; FINAL PLAT NO. 03001, ALLEGRINI TERRACE ADDITION; STREET AND ALLEY VACATION NO. 03004; and WAIVER NO. 03003.**

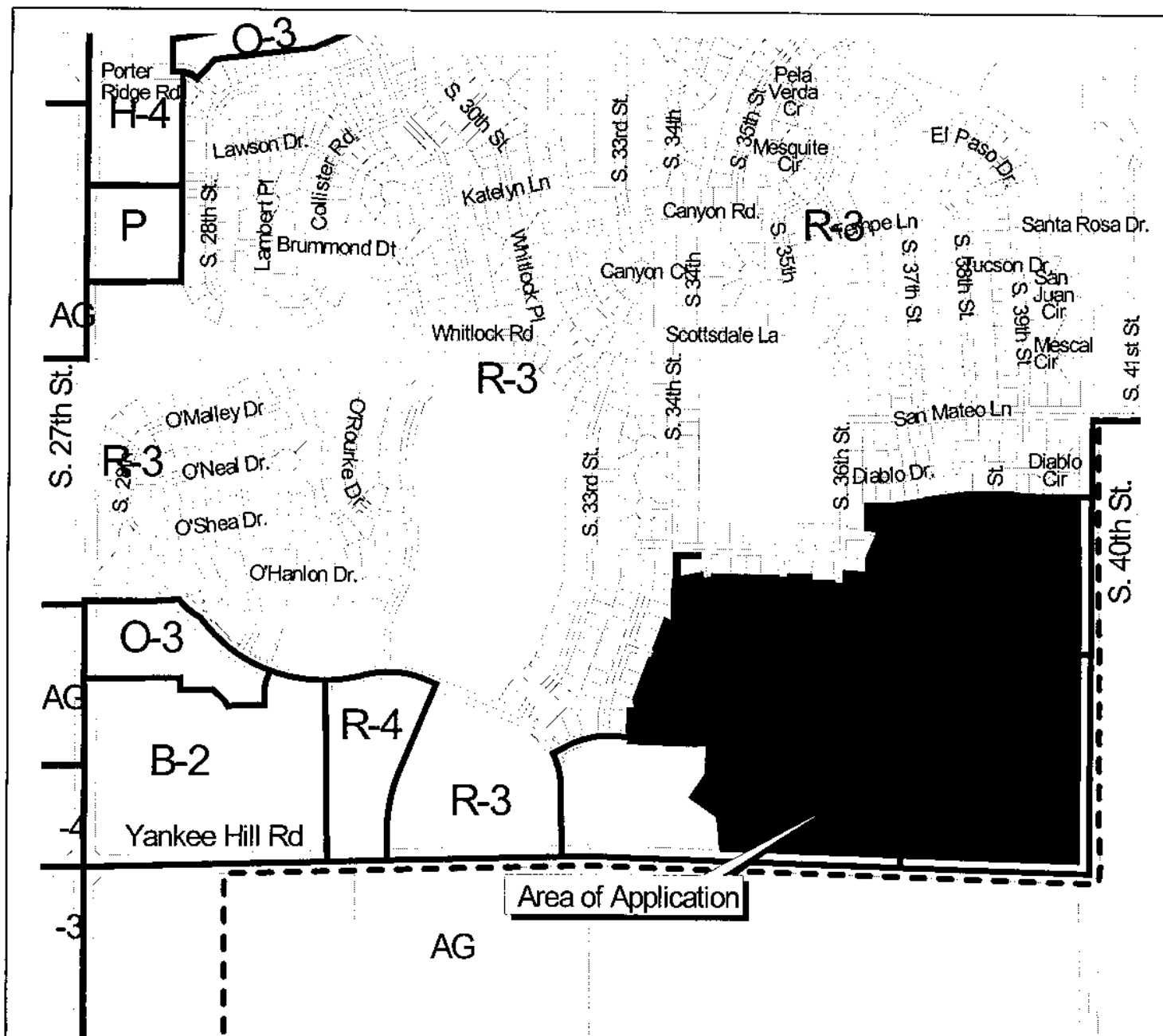
Larson moved to approve the Consent Agenda, seconded by Steward and carried 5-0: Carlson, Larson, Schwinn, Steward and Taylor voting 'yes'; Duvall, Krieser, Newman and Bills-Strand absent.

Note: This is final action on the Rolling Meadows 1st Addition Final Plat No. 02002, the Wilderness Ridge 5th Addition Final Plat No. 02015, the Pine Lake Heights South 7th Addition Final Plat No. 02033, and the Allegrini Terrace Addition Final Plat No. 03001, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Final Plat # 02033
Waiver #03003
Pine Lake Heights South 7th Add.
S. 40th & Yankee Hill Rd.



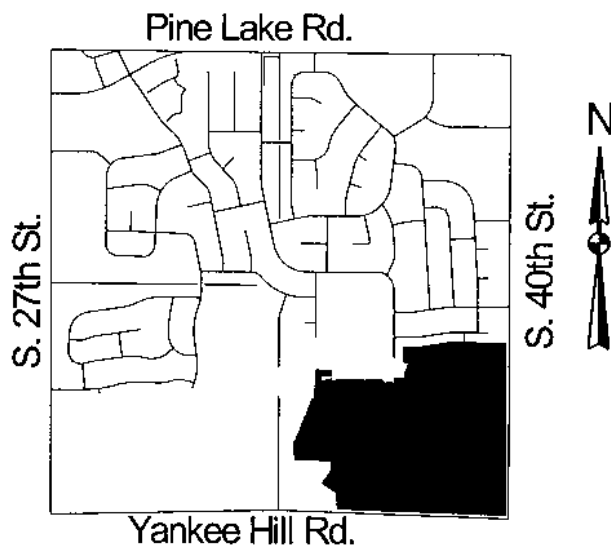
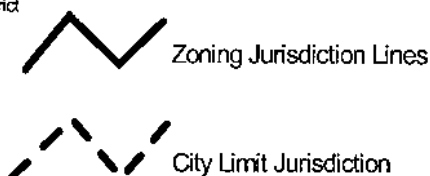


Final Plat # 02033
Waiver #03003
Pine Lake Heights South 7th Add.
S. 40th & Yankee Hill Rd.

Zoning:

R-1 to R-8 Residential District
 AG Agricultural District
 AGR Agricultural Residential District
 R-C Residential Conservation District
 O-1 Office District
 O-2 Suburban Office District
 O-3 Office Park District
 R-T Residential Transition District
 B-1 Local Business District
 B-2 Planned Neighborhood Business District
 B-3 Commercial District
 B-4 Lincoln Center Business District
 B-5 Planned Regional Business District
 H-1 Interstate Commercial District
 H-2 Highway Business District
 H-3 Highway Commercial District
 H-4 General Commercial District
 I-1 Industrial District
 I-2 Industrial Park District
 I-3 Employment Center District
 P Public Use District

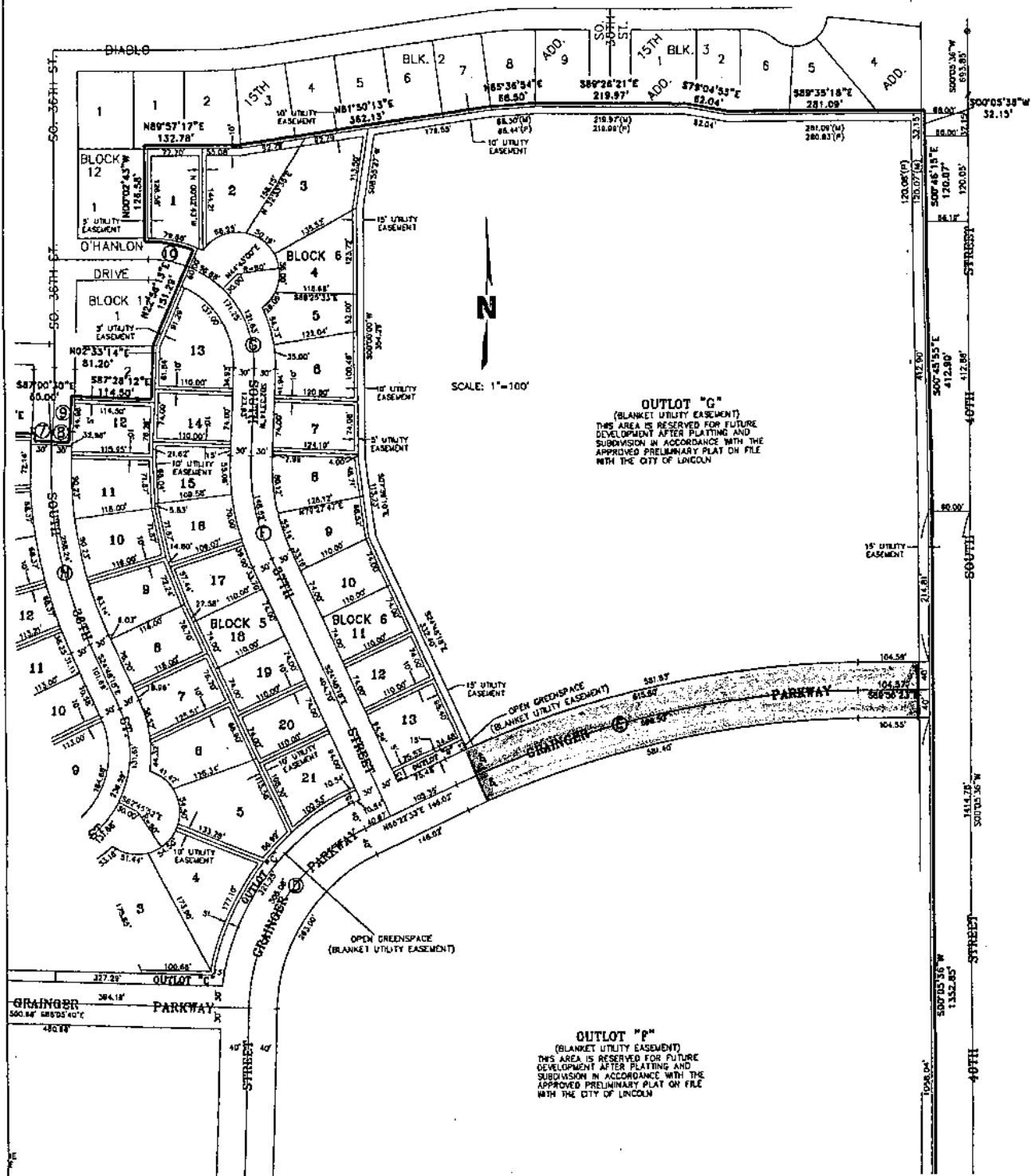
One Square Mile
 Sec. 19 T9N R7E



007

PINE LAKE HEIGHTS SOUTH 7TH ADDITION

FINAL PLAT
THIS PLAT IS BASED UPON PRELIMINARY PLAT
NO. 00029 OF PINE LAKE HEIGHTS SOUTH 4TH
ADDITION



200103-3

SHEET 3 OF 7

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SEACREST & KALKOWSKI, P.C.

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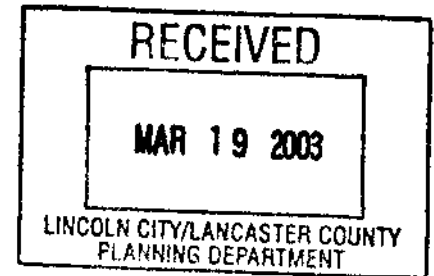
KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

March 19, 2003

HAND DELIVERY

Brian Will
Planning Department
555 South 10th Street
Lincoln, NE 68508



RE: Pine Lake Heights South 7th Addition Wavier Request

Dear Brian:

As a condition of the approval of the Final Plat for Pine Lake Heights South 7th Addition, the City required the extension of Grainger Parkway over to South 40th Street, and also the extension of South 37th Street from Grainger Parkway to Yankee Hill Road. Both of these street connections extend through areas that are platted as nonbuildable outlots. The Final Plat has been revised to show the extension of both streets as requested, and the right-of-way for both streets will be dedicated as part of the Final Plat.

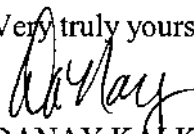
However, Ridge Development Company and Southview, Inc. are requesting that construction of that portion of Grainger Parkway extending from the end of the final platted single family lots over to South 40th Street, as shown on Exhibit "A" enclosed herein ("Grainger Parkway Extension") be waived until the abutting property is final platted into buildable lots. The property abutting both sides of the Grainger Parkway Extension is currently platted as nonbuildable outlots. Consequently, both parcels will have to be final platted again before anything can be built on the property. Ridge and Southview's primary concern with constructing the Grainger Parkway Extension at this time, is that the roadway extension and surrounding area have not been graded. In order to grade the roadway extension for construction, it would require the grading of both abutting outlots. Ridge and Southview have no specific development plans for the outlot areas at this time, making it very difficult to put together a grading plan that will serve the ultimate uses of the abutting properties.

In the interim, the residents of the Pine Lake Heights South neighborhood can take access to South 40th Street, by utilizing San Mateo Lane, which was constructed as a 33 foot wide collector street in the Pine Lake Heights subdivision directly to the north. The residents will also have access to Yankee Hill Road from South 37th Street, as soon as that street is constructed.

Ridge and Southview are requesting that construction of the Grainger Parkway Extension be waived until they come in with a final plat platting the abutting outlots into buildable lots. At that time they will have a clearer understanding of their development plans and can be prepared to grade the entire area necessary in order to construct the road. In connection with this waiver request, Ridge and Southview are requesting that the storm sewer, paving, water mains, sanitary sewer, street lights, sidewalks, street signs and street tree escrows that were established for the Grainger Parkway Extension also be waived, until the construction of the roadway extension is required in connection with future platting.

If you have any questions or need any additional information regarding the above request, please give me a call.

Very truly yours,



DANAY KALKOWSKI

For the Firm

cc: Tom White
John Brager
Jerry Schleich